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Dated: 1/9/06

Signature: Andrea Berlo

(Andrea Berlo)

Docket No.: ALEX-P04-054
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bowdish et al..

Application No.: 10/737,290

Confirmation No.: 6650

Filed: December 15, 2003

Art Unit: 1643

For: RATIONALLY DESIGNED ANTIBODIES

Examiner: P.K. Tungaturthi

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

Sir:

In reply to the outstanding Restriction Requirement, mailed November 9, 2005, in connection with the above application, Applicants hereby elect, with traverse, Group I (claims 1-9 and 14 in part), drawn to an immunoglobulin molecule or fragment thereof comprising a region where amino acid residues corresponding to at least a portion of a complementary determining region (CDR) are replaced with an hBNP peptide or an hBNP peptide mimetic. Applicants traverse this restriction requirement based on the reasons which follow.

Applicants respectfully submit that Group I is closely related to the other groups, in particular, Group VII (claims 10-13, in part). Group VII is drawn to a nucleic acid encoding the immunoglobulin molecules or fragments thereof of Group I and a method for producing the immunoglobulin molecules or fragments thereof of Group I. Accordingly, searches related to the immunoglobulin molecules or fragments thereof, nucleic acids encoding same, and methods for producing the immunoglobulin molecules or fragments thereof are co-extensive, and simultaneous examination of the pending claims of Groups I and VII will not impose a substantial additional burden on the Examiner. Accordingly, Applicants respectfully elect Group I with traverse, but request that the inventions of Groups I and VII be rejoined. Reconsideration and withdrawal of the restriction requirement are respectfully requested.

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Pursuant to MPEP 803, "[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added).

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. A petition for a one-month Extension of Time and appropriate fee is submitted concurrently herewith. The Commissioner is hereby authorized to charge any underpayments, or credit any overpayments, to our Deposit Account No. 18-1945, under Order No. ALEX-P04-054.

Dated: January 9, 2006

Respectfully submitted,

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